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## **Report of Investigation**

To: Dale Minami, Esq.  
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***Via email only: [dminami@minamitamaki.com](mailto:dminami@minamitamaki.com)***

From: Mary Josepha Nikas  
Chief Investigator - U. S. Operations

Date: April 10, 2014

Re: **Paul Hon Chow Lee v. Jim T. Kitamura (Interim Report)**  
**Our File No.: 14-9305P**

## **ATTORNEY WORK PRODUCT**

This is a confidential communication. This report and all information contained herein, has been completed at the direction and under the supervision of legal counsel. It is to be considered as being of a confidential and privileged nature and subject to the attorney/client and work product privileges.

### **Assignment**

We were assigned to conduct interviews of the driver, passenger, and two independent witnesses in regards to a vehicle versus motorcycle accident at the intersection of Webster and McAllister in San Francisco, on March 20, 2014. You were especially interested in attempting to establish if Mr. Kitamura was working under the course and scope of employment.

We were provided with a San Francisco Police Collision Report.

The below information is an interim report in regards to our interview with Jose Guillermo Perez, passenger in the van that struck Mr. Paul Lee.

**Interview with Jose Perez**

**Jose Guillermo Perez  
2512 Dover Avenue, San Pablo, CA 94806  
Mobile: (510) 260-5293**

Jose Guillermo Perez was interviewed by telephone on Thursday, April 10, 2014. He did not recall the date of the accident, but recalled it was in March of this year. He thought the accident took place at about 3:30 in the afternoon, as they were “done for the day” and “headed back to the warehouse”. At the time of the accident, they were working for “Prologistics” [verified as Prologistics Distribution] and were returning after delivering 85 packages throughout San Francisco, for the day. The company’s warehouse was located on Roland Avenue in Oakland.

When asked if the traffic was heavy, he stated: “There was traffic everywhere.” He went on to complain about working for the company. He stated they were “too much demanding”... “They were asking too much”... “They wanted us to do deliveries; give us two minutes to do a delivery even in downtown San Francisco.”

They were delivering packages for Amazon. Sometimes they had 140\* packages for each driver in one day.” “That was crazy. Everyone was able to do 70 to 80 at the most.” (\*Later he recanted this number a bit by stating that they had to deliver 85 packages a day.)

The van was rented by the company, not the drivers. “They had all the vans at the warehouse. [We would] come in the morning and they would assign a van and route to each driver.”

Mr. Perez was on his second or third day of training at the time of the accident. He did not know that he would be training with Mr. Kitamura. He was informed that morning. He stated that he thought Jim had quit or was fired, because “he didn’t come back the next day.” Mr. Perez worked for the company for only two full weeks. At the end of the second week he quit because it was “too dangerous.” He trained for the first week and “on the second week I go my own van.”

Their direct supervisor was a man named Mohammed. Mohammed’s supervisor was a man named Derrick. He did not know their last names. The routes were “assigned by Mohammed” each morning.

At the time of the accident, Perez was “looking down fixing my shoelaces”. He did not look at the speedometer but thought that the driver was doing about 30MPH. He did not think the van was moving that fast. He first realized something was wrong when “he [Kitamura] was putting on the really hard”. Then he heard a crash and looked up to see they had “hit the motorbike”. After the accident took place he looked up and saw “the light on red” for them.

After the accident, both him and Jim “came out and tried to help the guy” [motorcyclist]. “But the police came very fast” and the ambulance arrived about seven minutes later.

He recalled the motorcyclist’s leg and ankle were really bad. “His leg and ankle was broken, I think. He was bleeding from the ankle... going in a different direction.”

He did not recall if there were any other vehicles around them just prior to the accident, but there were a bunch of cars after the accident.

Then he asked if he could tell me about himself. He stated, “When we hit the motorbike, I hit my head with the dashboard.” I didn’t realize it right away, but “I still have headaches; it didn’t go away.” We asked if he had a headache right now, and he said, “Yeah; all the time.” We asked where it hurts and he stated, the “back of my head and my neck and my forehead.” It was a constant dull ache. We asked if he had seen a doctor and he said he had not, as he doesn’t have insurance.

Then we asked if he had reported the accident to Prologistics and whether they completed an incident report. He stated, “I told him [Mohammed] the next day in the morning... I asked if he knew about what happened and he said, ‘yeah, yeah, let’s talk about it later’; then about twenty minutes later, I told him I hurt my head and my chest.” He told Perez he should have told him right away. He said, that was what he was trying to do. Mohammed then gave him a blank piece of paper and he wrote down how he was hurt and “we both signed it”. “It was not a form or anything.” He asked Mohammed if he could have a copy of what he signed and he said he could, but then he didn’t give him one. He thought he would then sign a completed report, but “he didn’t give me one [a copy of the paper he signed], or show me a completed report.”

We asked if he knew whether other drivers had been involved in accidents due to the pressure to deliver so many packages and he stated, “I believe they had three accidents in that same week.” He went on to explain that Mohammed would “tell us about meeting our goals, but not to ‘rush’ and ‘take your time’; however, this was not possible, “there was pressure there” [to meet the goals].

Mr. Perez is willing to sign a statement and confirmed the above address, as provided on the police report, as current for him.

### **Prologistics Distribution**

Secretary of State corporate status records identified the driver’s employer as follows:

**Prologistics Distribution, Inc.**  
**P.O. Box 5045, Hayward, California 94540**

The entity was incorporated June 13, 2012, with the corporate president provided as **John Arbuckle, 1641 Crest Hill Way, Gilroy, California 95020**; and the registered agent as **Arnold H. Zippel, 601 Montgomery Street, Suite 1950, San Francisco, California 94111**.

A copy of the company's current corporate status report secured from our in-house database is included for your review.

The company has a website at *ProgisticsDistribution.com*. The website provides the following locations:

Headquarters:

480 Roland Way, Oakland, CA 94621

Other California Locations:

8610 Thornton Avenue, Newark, CA 94560

12839 Telegraph Road, Santa Fe Springs, CA 90670

1631 Enterprise Blvd., #5, West Sacramento, CA 95691

4339 W. Santa Ana Avenue, Fresno, CA 93722

Additional locations are provided, in Kent, Washington and Chicago, Illinois.

The contact information provides a telephone number of (408) 514-2669 and fax number of (408) 649-5240. The website's "**History**" section provides the following:

"Progistics Distribution is a joint venture of Professional Messenger and Freight and Sunny Express. Both companies founded in the 1980's and often competitors, have teamed up to launch Progistics a company totally dedicated to the distribution industry. Progistics mission is to offer quality distribution service using our proven same day delivery matrix. The staff of Progistics has over a 100 years of experience in the "last mile" delivery industry. We use the TAGNET technology platform which has been continually developed and proven over the past 7 years. We know that with our technology there are significant productivity gains and measurable CUSTOMER service improvements. With the ongoing development of TAGNET and our highly experienced management team we have expanded our delivery network covering all of California, Washington and Chicago Metro area. With the evolution of the final mile supply chain requirements, our customers' expectations have shifted from a local delivery provider to a regional distribution network. Progistics Distribution delivers locally but operates on a regional footprint. With the combination of twenty-five years of experience, our customer focused technology platform and our commitment to meet or exceed our customers supply chain requirements Progistics distribution is the solution to the your distribution requirements."

**Management** is provided on the website as follows:

John Arbuck, President  
Jame Liguori, Chief Financial Officer  
John Slaughter, VP. Marketing Development  
Marc Teitelbaum, VP. Business Development  
Jamie Myers, Chief Operating Officer  
Sean O'Steen, Chief Technology Officer  
Rick Bergeron, Sales

**The Board of Directors** were provided as follows:

Joel Ritch, Chairman of the Board  
Jame Liguori, Secretary / Treasurer  
Joel Lewis, Director  
Jim Taylor, Director

**Representative "Clients"** were provided as follows:

GE TRANSPORTATION GROUP	KAISER
BART	HOME DIRECT USA
AIT WORDLWIDE LOGISTICS	PRIORITY SOLUTIONS
SUNTECH TRANSPORTATION	CANON BUSINESS SOLUTIONS
GREENLEAF PRODUCE	XEPEDX
YRC	UPS SUPPLY CHAIN
CRESENT ELECTRIC	FEDEX CUSTOM CRITICAL
FRESINIUS	SUTTER HEALTH

*Please note: Amazon is provided on the above list.*

**Follow-up**

The interview summary for Tiblets Gebrezgi will be forwarded to your attention under separate cover. We will continue our efforts to interview the driver, Mr. Jim Kitamura and independent witness, Patrick Turnbull. Should you have any questions, please feel free to contact this office.

Sincerely,

***M. J. Nikas***

Mary Josepha Nikas  
Chief Investigator - U.S. Operations